

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
JUNE 3, 2003
7:00 P.M.**

1. Mayor Tardibono called the meeting to order at 7:00 pm. Notice of a quorum was given.

The flag salute was lead by Life Scout Collin Slater, Troop 179, St. Charles Borromeo. The invocation was given by Pastor Jack Grimes, Putnam City Church of Christ.

ROLL CALL

Mayor Marietta Tardibono
Vice-Mayor Justin Frisbie
Councilman Jimmy Alexander
Councilman Walter Johnson
Councilman Mike Gossman
Councilman Bob Wehba
Councilman Barry Curl
Councilman Tom Smith
Councilman Greg Hayes

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Robert Beasley, Acting City Inspector
Scott Barrett, City Engineer
Wiley Rice, City Planner
Bob Jernigan, City Attorney

2. **CONSENT DOCKET:** (individual items may be deleted from the consent docket for discussion and action under #3.
 - A. Approval of Minutes – Regular City Council Meeting May 6, 2003
Special Council Meeting May 27, 2003
 - B. Report of Expenditures – General Fund \$168,275.22
Street & Alley \$ 5,668.73
 - C. Approval of Proposed Expenditures for May 2003.

- D. Approval to re-invest maturing C-D's at best possible interest rate.
- E. Report on Planning Commission minutes for May 2003.
- F. Report on Board of Adjustment minutes for May 22, 2003.
- G. Approval to waive city's right to appeal BOA's Case 03-02 on property located at 5811/5847 NW 63rd St. Nature of appeal (19.36.040C2) rear set back, No commercial building shall be located closer than fifteen feet to rear lot line which adjoins a residential area. Presently zoned C-3 Neighborhood Shopping District, John Fourteen Co II, Owner/Applicant. Variance approved.
- H. Approval to waive city's right to appeal BOA's Case 03-03 on property located at 5500 N Mueller Ave. Nature of appeal requesting variance to build a 1800 sq ft building, (19.20.020F1) Permitted uses. Presently zoned R-1 Single Family Residential District, Jonathan and Christy Evans, Owner/Applicant. Variance approved.
- I. Approval to waive city's right to appeal BOA's Case 03-04 on property located at 5512/5514 NW 41st St. Nature of appeal (16.40.020B1) No fence along side and rear lot lines shall exceed eight feet in height. (16.40.020/B2a) No fence shall be constructed within the front setback unless it meets the following construction: (a) see through fence which does not exceed four feet in height. No fence shall be placed on City right of way. Presently zoned R-1 Single Family Residential District, Putnam City Schools, Owner, Everett Blasingame, agent. Variance approved to the fence height and fence on right of way.
- J. Approval to set a date of July 1, 2003 for a Public Hearing concerning a Special Use Permit on a lot located at 5721 NW 42nd, zoned R-1, Victory Christian Center.
- K. Approval to set a date of July 1, 2003 for a Public Hearing concerning the re-districting of 5700 N Central from R-1 Single Family Residential District to FE Single Family Estate District. Mark Burghart, owner/applicant.
- L. Approval of Fire Equipment Agreement between Oklahoma County Board of County Commissioners and The City of Warr Acres.
- M. Approval of Emergency Medical Services Agreement between Mercy Emergency Medical Services and The City of Warr Acres.
- N. Approval of Mutual Agreement between the Board of County Commissioners of Oklahoma County and The City of Warr Acres to reconstruct, improve, repair and maintenance of certain city streets in the City of Warr Acres.

Councilman Johnson wanted item number H pulled and Councilman Wehba asked for item E to be pulled.

Motion by Curl, second by Wehba to approve the remaining items on the consent docket. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

3. Discussion and action on items removed from the consent docket.

Item E was discussed first. Bob Jernigan stated that with the passage of the Planning Commission minutes the Final Plat for Woodcreek Second Addition. Councilman Wehba stated that in the future he would like to have the items for the Planning Commission and the Board of Adjustments listed as separate items on the Council agenda.

Motion by Wehba, second by Frisbie to approve item E. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

Item H was concerning BOA case 03-03 for an 1800 sq foot accessory building. Councilman Johnson stated that Planning Commission Chairman Robert Carter would like to address the Council on this issue. Mr. Carter read to the Council portions of the minutes from the BOA meeting. He also read the criteria that an applicant must meet in order for a variance to be granted. He stated that at the meeting Councilman Curl and Mayor Tardibono both spoke on the matter and that in the future it might be advisable if Councilmember and Commissions did not speak at these meetings so there would not be any misconception of pressure being applied on issues before the Board of Adjustments. He requested on behalf of the Planning Commission that a suit be filed against the city since in there opinion no hardship was proven and the Board of Adjustments has set precedence the maximum size requirement for FE and R-1 have for all practical purposes been set aside. He also stated that the Council should set this ruling aside and sent it back to the Planning Commission. By Charter the only body that create law is the City Council. Councilman Wehba stated that he would like to know what the needs of the applicant were and stated that the BOA has a very narrow criteria that must be met. He asked Bob Jernigan for his legal opinion as to whether the criteria was met. Mr. Jernigan stated he did not feel that the burden was not shown.

Motion by Johnson, second by Frisbie to appeal the ruling of the Board of Adjustments. Poll vote: Alexander, yea; Johnson, yea; Gossman, nay; Wehba, nay; Frisbie, yea; Curl, nay; Smith, nay; Hayes, yea; and Tardibono, nay.

Motion failed.

Motion by Wehba, second by Johnson to table for more information and to be placed on the Special Council meeting on June 12, 2003 and have the home owners and the members of the Board of Adjustments present. Poll vote:

Alexander, yea; Johnson, yea; Gossman, nay; Wehba, yea; Frisbie, yea; Curl, nay; Smith, nay; Hayes, yea; and Tardibono, nay.

Motion passed.

4. Public Hearing on proposed changes to Title 19 recommended by the Title 19 committee and the Planning Commission.

Councilman Smith stated that he would like more time to look and discuss the proposed changes with the Planning Commissioners and the Title 19 Committee.

Motion by Smith, second by Hayes to continue the Public Hearing until the regular City Council meeting on July 1, 2003. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

The council discussed setting a time and place for a workshop for the Council, Planning Commission and the Title 19 members. The date and time will be June 10, 2003 at 6:30 pm at the Community Center.

Motion passed unanimously.

5. Reports from Staff. Police, Fire, City Clerk, City Inspector, Street, Sanitation Sewer and City Engineer.

Chief Carter thanked the council for their help during the tornado and reported on the overtime hours and dollars saved during a 14 day period.

Scott Barrett reported on NW Highway and MacArthur stating that the turning lane lines needed to be repainted and the medians needed reconfigured to make it safer. He will be drafting a letter for the Mayor so sign asking ODOT to consider changes.

6. Report on status of the Ann Arbor Project.

There was nothing new to report.

Councilman Wehba asked if the Street Department would drain the water standing on Ann Arbor.

7. Discussion and action on Ordinance No. 985 An Ordinance of the City of Warr Acres Amending Title 2, Sections 2.12.030, 2.12.050 and 2.12.160 providing for the tenure, suspension, discharge or removal of the Fire Chief, the Deputy Fire Chief and member of the Fire Department to conform to the Warr Acres Charter and Employee Handbook of Personnel Policies; Providing for repealer, severability and declaring an emergency.

Bob Jernigan explained that he was not with the city when the handbook was adopted but had spoken with Margaret Love who prepared the handbook and found that there were several items that she had recommended to the council changes that needed to be made, some of them were and others were not. This Ordinance would require cause for termination. This is just the first step in getting items in order and consistent. Some of the Council members were not comfortable with Section III. Mr. Jernigan stated that Section III could be stricken and reworked later.

Motion by Smith, second by Hayes to approve Ordinance #985 with Section III being deleted. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed.

8. Approval of Emergency Clause on Ordinance No. 985.

Motion by Frisbie, second by Smith to approve the Emergency Clause on Ordinance #985. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed.

9. Questions and Comments from Warr Acres Residents.

Mr. Egert who lives at 4516 NW 44th Street addressed the Council concerning the dumpster at the Church on 44th and Meridian. Councilman Wehba stated that this has been an issue for a long time and efforts have been made to correct the situation however, the dumpster is in the best possible place for the city and the safest place for the children at the daycare in the church. Mayor Tardibono asked if Councilman Gossman, Mr. Beasley and Mr. Hayes could go over to the property with Mr. Egert and take a look at the situation.

Pat Lawson, from Flowers by Pat and the Warr Acres Merchants Association, asked for the assistance of the Council to distribute Warr Acres brochures to the homes in Warr Acres after they have been prepared. She stated that when they are ready it would take a combined effort to see that they were all delivered at the same time.

Charlie Ferguson stated that he was against removing the Wednesday garbage service and felt that when the brochures about the city were being prepared that not only the great fire and police response times should be included but also the great 3 day a week trash service. He stated that he did not believe that any money could be saved by changing to a 4 day work week.

10. Questions and Comments from Warr Acres City Councilman.

Councilman Johnson stated that he wanted to ask the Mayor about a situation with a certain employee and the Mayor told him the situation was taken care of.

Councilman Wehba reiterated what he had stated earlier in the meeting about items from the Planning Commission and Board of Adjustments be individually listed on the Council agenda.

Councilman Hayes stated that after the tornado one fireman's wife had asked him if there wasn't a way to give them a heads up if they were going to be needed. The Mayor jokingly asked if they wanted the tornado to tell them were it was going.

11. Discussion and action to appoint a member to the Board of Adjustment Ward IV to fill seat vacated by now Councilman Mike Gossman. Term to expire October 2003. *Gossman*

Mayor Tardibono told those in attendance that Mr. Ken Phillips was introduced to the Council at the Budget workshop the night before this meeting and had volunteered his time to serve on the Board of Adjustments if the city so desired.

Motion by Curl, second by Wehba to appoint Mr. Ken Phillips to the Ward IV seat on the Board of Adjustment for a term to expire October 2003. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

12. Discussion and action on appointing members to a Utility Committee.

The Mayor stated that she would like to appoint Councilman Wehba, Councilman Alexander, Mr. Earl Hayes, Jason Davis and Polly Shelton. Councilman Johnson stated that the way committee worked was to review the list of past due accounts, when it comes down to the final notice and they have not paid the committee decides to send out cut off notices. This needs to be done weekly to keep up with the overload, due to repeat offenders. Councilman Wehba stated that he could not do it during the day.

13. Discussion and action on dissolving the Economic Development Committee.

Motion by Smith, second by Hayes to dissolve the Economic Development Committee. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

14. Discussion and action on the changing the Sanitation Department hours of operation from five day eight hour work week to four day ten hour work week and eliminating Wednesday pick ups.

Mayor Tardibono stated that \$13,000 in savings might not seem like a lot, however it could be ½ of one persons salary or possibly ½ of a new vehicle. The council should be good stewards of the city's money. Since this issue was such a hot subject she decided to take a survey of 100 registered Warr Acres voters and ask their opinion on the issue. 85% of those called stated that they did not need the Wednesday pickup and did not care the other 15% stated they did not want the service changed. She also stated that most of those called complimented the city on such great garbage service. She said that this would be a 60 day trial period and that she could have made this decision on her own but wanted to bring it before Council for a vote as a courtesy. Councilman Curl stated that when really thought about the longer hours and the fact that the men would be working outside in all sorts of weather conditions, he did not feel this was a good plan, for health and well being of the employees. Resident Sharon Buser stated that she did not have a problem with cutting out Wednesday service, she just did not want to end up with the big blue dumpster. Resident Charles Ferguson stated that the service should not be changed and that a savings of \$13,000 was not much. The council stated that \$13,000 might not be much, but it was a start and it would seem like a lot if he had to come up with that amount.

Motion by Smith, second by Hayes to approve a 60 day trial period changing the hours to 4 - 10 hour days and eliminating Wednesday service. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, nay; Frisbie, nay; Curl, nay; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed.

15. New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

There was none.

16. Discussion and action on merit increases **FY 2002-2003** for Karen Selby, Bobby Grigsby, and increase in salary for Debra Carlin in line with the promotion to Purchasing Clerk and increase in salary for Robert Beasley in line with the promotion to City Inspector pursuant to Title 2, Section 2.36.025, **and freezing merit increases for FY 2003-2004** Including discussion and action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (1), discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee. ****

Motion by Wehba, second by Alexander to enter into Executive Session. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

The council entered into Executive Session at 9:00 p.m. after a 15 minute recess.

The council returned to open session at 9:14 p.m. with NO ACTION TAKEN.

Motion by Wehba, second by Frisbie to approve the merit increases for Karen Selby, Bobby Grigsby and Debbie Carlin. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

Motion by Wehba, second by Alexander to freeze the merit increases for FY 2003-2004. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

Councilman Wehba stated that either Councilman Gossman or himself should have made the motion on the selection of the member to the BOA, however he stated that the motion should stand.

17. Mayor Tardibono adjourned the meeting at 9:17 pm.

Respectfully submitted,

Pamela McDowell-Ramirez

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
JUNE 3, 2003
7:00 p.m.**

1. Mayor Tardibono called the meeting to Order at 9:18 p.m.

ROLL CALL

Mayor Marietta Tardibono
Vice-Chairman Justin Frisbie
Councilman Jimmy Alexander
Trustee Walter Johnson
Councilman Mike Gossman
Trustee Bob Wehba
Trustee Barry Curl
Councilman Tom Smith
Trustee Greg Hayes

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of May 6, 2003.

There was a question as to why some members were listed on the Roll Call as Councilmembers and others as Trustee. The answer was that the newest members have not been sworn in as Trustees. Therefore, when it came up for the vote the newest members did not vote.

Motion by Frisbie, second by Wehba to approve the minutes. Poll vote: Johnson, yea; Wehba, yea; Frisbie, yea; Curl yea; and Hayes, yea.

Motion passed.

3. Approve payment of claim in the amount of \$57,501.04 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of May, 2003.

Motion by Wehba, second by Hayes to approve the minutes. Poll vote: Johnson, yea; Wehba, yea; Frisbie, yea; Curl yea; and Hayes, yea.

Motion passed.

4. Mayor Tardibono adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

Due to improper notice (the date on the agenda said Tuesday June 6th not June 3rd) of this meeting the meeting was not held and will be held on the 12th of June immediately following the Special council meeting.

MEETING OF THE TRUSTEES OF THE WARR ACRES
ECONOMIC DEVELOPMENT AUTHORITY
5930 NW 49TH STREET,
WARR ACRES, OKLAHOMA
JUNE 6, 2003
TUESDAY
7:00 p.m.

1. Call the meeting to order.
2. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of May 6, 2003. ****
3. Discussion and action on contracts for services provided by Thomas Lay, Paul Smith and the Floyd Law Firm in conjunction with the Economic Development Authority.
4. Discussion and action on purchase and sale of property and incentives, including entering into Executive Session as allowed under 25 O.S. Supp 307 (C) 9, all nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.
5. Adjournment.